

REMARKS/ARGUMENTS

Entry of this amendment and reconsideration of the present application, as amended, are respectfully requested.

Claims 21-37 are pending in this application, claim 1 is cancelled herein and claims 2-20 have been previously cancelled. Claims 21-37 are rejected.

Election/Restriction

In view of the finality of the restriction requirement, claim 1 is cancelled without prejudice to filing a divisional application directed to the subject matter of the claim.

Double Patenting

Claims 21-37 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Pat. No. 6,615,656 (the '656 patent) in view of Doty (U.S. Pat. No. 5,841,537). The Examiner states that Doty shows an IMU having three accelerometers and three gyroscopes for use in vehicle pitch and roll determination and takes a position that it would have been obvious to use an IMU with three accelerometers and three gyroscopes as taught by Doty in the invention set forth in claims 1-19 of the '656 patent.

Without addressing the validity of this rejection and reserving the right to do so, submitted herewith is a Terminal Disclaimer disclaiming the terminal part of any patent granted on this application which would extend beyond the term of the '656 patent. As noted in the Terminal Disclaimer, the appropriate fee for submission of a Terminal Disclaimer is to be charged to a Deposit Account.

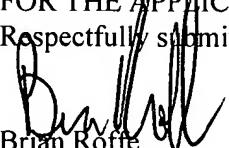
In view of the submission of the Terminal Disclaimer, it is respectfully submitted that the obviousness-type double patenting rejection has been overcome and should be removed.

If the Examiner should determine that minor changes to the claims to obviate informalities are necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Appl. No. 10/658,750
Amdt. dated August 23, 2004
Reply to Office Action of July 30, 2004

An early and favorable action on the merits is earnestly solicited.

FOR THE APPLICANT
Respectfully submitted,


Brian Roffe
Reg. No. 35,336

Brian Roffe, Esq.
11 Sunrise Plaza, Suite 303
Valley Stream, New York 11580-6111
Tel: (516) 256-5636
Fax: (516) 256-5638

Enc.
Terminal Disclaimer